IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 23775 of 2007(E)

PETITIONERS:

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1. N.P. JAYAN,
CHARTERED ACCOUNTANT, S/O.M.J. POULOSE,
NJALIYATH HOUSE, THIRUVANKULAM, PRESENTLY
RESIDING AT PONOTH ROAD, KALOOR, KOCHI-17.

2. MOHAMMED SHAREEF, S/O. AHAMMEDKUTTY,
ANAKKATT HOUSE, KALOOR, KOCHI-17.

3. K.S. USMAN, S/O. SEETHI,
KADAVIL HOUSE, EDAPPALLY, KOCHI-24.

BY ADV. SRI.T.M.ABDUL LATHEEF
SRI.E.A.BIJUMON

RESPONDENTS:

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1. KOTTAYAM MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, KOTTAYAM.

2. SECRETARY,
KOTTAYAM MUNICIPALITY, KOTTAYAM.

3. TOWN PLANNING OFFICER,
KOTTAYAM MUNICIPALITY, KOTTAYAM.

BY ADV. SHRI SIBY MATHEW &
ADV. SHRI. MOHAMMED NAZIR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 23775 OF 2007 E

Dated this the 3rd August, 2007

JUDGMENT

I heard the learned counsel appearing for the petitioners and also the learned counsel appearing for the respondent, Municipality. Petitioners challenge Ext.P13. Learned counsel for the respondent Municipality submits that Ext.P13 is a notice issued under Section 406(1) of the Kerala Municipality Act. Petitioners have filed Ext.P14 objection. In view of the fact that Ext.P13 is only a notice under Section 406(1), I do not think it necessary for me to consider the challenge raised against Ext.P13, nor consider the questions raised by the petitioners. Leaving open the contentions of the petitioners, the Writ Petition is disposed of directing that the second respondent will consider each and every objection raised by the petitioner in Ext.P14 and take a decision in accordance with law, after affording an opportunity of hearing to the petitioners. It is open to the petitioners to seek the benefit of regularisation, if it is

available in law. Counsel for petitioners submits that the petitioners will co-operate in the hearing, so that a decision can be taken.

K. M. JOSEPH, JUDGE

kbk.